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GOVERNMENT OF SIKKIM
LAW & PARLIAMENTARY AFFAIRS DEPARTMENT
GANGTOK

No. 11(656)L&PAD/2021/30 **Dated: 06/01/2026**

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on the 17th day of December, 2025 is hereby published for general information:-

THE SIKKIM PRIVATE UNIVERSITIES (ESTABLISHMENT AND REGULATION) ACT, 2025

ACT NO. 25 OF 2025

AN

ACT

to establish a uniform, transparent, accountable, and enforceable statutory mechanism for private universities in Sikkim, to consolidate and repeal the laws relating to the self-financed private universities in the State of Sikkim and to provide for establishment, incorporation and regulation of private universities in the State for development and advancement of higher education in the State and for matters connected therewith or incidental thereto.

Whereas, it is expedient for the State of Sikkim to ensure a coherent, accountable, transparent, and academically sound framework for higher education within the State;

And Whereas, several private universities are already functioning or have been established by separate enactments, requiring incorporation within a unified statutory framework to secure uniformity of standards, proper regulation, and effective oversight;

And Whereas, the State Government considers it necessary to provide for the *establishment, recognition, and incorporation of existing and new private universities* and to regulate their powers, duties, governance, academic standards, financial accountability, and all matters incidental thereto;

And Whereas, it is imperative to protect the interests of students, promote quality higher education, prevent malpractices, and ensure that all private universities operate in conformity with the norms of the University Grants Commission and other statutory regulatory bodies;

Now Therefore,it is expedient to enact a comprehensive law to regulate the establishment, functioning, accreditation, governance, monitoring and quality assurance of all private universities within the State.

Be it enacted by the Legislature of Sikkim in the Seventy-sixth Year of the Republic of India, as follows:

CHAPTER-I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Sikkim Private Universities (Establishment and Regulation) Act, 2025.

(2) It shall extend to the whole of Sikkim.

(3) It shall come into force on such date, as the State Government may, by notification in the Official Gazette, appoint.

Definitions

2. (1) In this Act, unless the context otherwise requires, —

(*a*) "Academic Council" means the Academic Council of the University;

(*b*) "Adjunct Professor", "Adjunct Associate Professor" or "Adjunct Assistant Professor" means a person from industry, trade, agriculture, commerce, social, cultural, academic or any other allied fields who is so designated during the period of collaboration or association with the University;

(c) "Affiliation" together with its grammatical variations, means and includes in relation to an institution of skills education or training establishments, recognition of such institution and training established by the University and association of such institute and training established with the University;

(d) "AIU" means the Association of Indian Universities;

(e) "Annual Report" means the Annual report of the University as referred to in section 53 of the Act;

(f) "Authorities" means the authorities of the University as specified by or under this Act;

(g) "Board of Management" means the Board of Management constituted under section 32 of this Act;

(h) "Campus" means the area of University within which it is established;

(i) "Center of Excellence" means the state-of-the-art training or research center established in collaboration with industry or for the benefit of the industry and society, to provide all types of relevant skills to students, in-service employees, working professionals and to undertake joint projects;

(j) "Chancellor" means the Chancellor of the University appointed under section 22 of the Act;

(k) "Credit Framework" means the framework, developed by the University, built on measure unit of education, skills and learning creditsfor a student to achieve the competency for performing a job role successfully or efficiently;

(l) "Dean" means the head of a Faculty of the University;

(m) "Development Fund" means the development fund of the University;

(n) "Distance and Online Education" means education imparted by combination of any two or more means of communication viz. broadcasting, telecasting, correspondence courses, seminars, contact programmes or any other such methodology;

(o) "Employee" means any person appointed by the University and includes teachers, officers and other staff of the University;

(p) "Endowment Fund" means the endowment fund of the University established under section 55 of the Act;

(q) "Examination Centre" means an examination centre of the University for the purpose of conducting examination of full-time, part-time, online education and external students registered with the University;

(r) "Existing University" means the University specified in Part-I of the Schedule;

(s) "Expert Committee" means a committee of eminent persons notified by the Government to promote, facilitate and assist in the establishment of new private universities in the Sikkim constituted under this Act;

(t) "Faculty" means the Faculty of the University;

(u) "Fee" means monetary collection made by the University from the students for the purpose of any course of study in the University;

(v) "Finance Committee" means the Finance Committee of the University;

(w) "General Fund" means the General fund of the University established under section 56 of the Act;

(x) "Governing Body" means the Governing Body of the University constituted under section 31 of the Act;

(y) "Higher Education" means the pursuit of knowledge beyond learning at the stage of higher secondary school education;

(z) "Hostel" means a place of residence for the students of the University;

(za) "National Assessment and Accreditation Council" means National Assessment and Accreditation Council, Bengaluru, an autonomous institution of the University Grants Commission;

(zb) "National Skill Qualification Framework" means the qualification assurance framework for skills as notified by the Central Government;

(zc) "Notification" means the notification published in the Official Gazette of Sikkim;

(zd) "Prescribed" means prescribed by rules, statutes, ordinances or regulations, as the case may be, made by or under this Act;

(ze) "Regulatory Body" means a body established by the Government of India for laying down norms and conditions for ensuring academic standards of higher education, such as University Grants Commission, All India Council of Technical Education, National Council of Teacher Education, National Medical Commission, Pharmacy Council of India, National Council of Assessment and Accreditation, Indian Council of Agriculture Research, Distance Education Council, Council of Scientific and Indian Research, etc., and includes the Government or any such body constituted by the Government of India or the State Government;

(zf) "Regulatory Commission" means the commission constituted under section 7 of the Act;

(zg) "Rules" means the rules prescribed by the State Government;

(zh) "Schedule" means the Schedule appended to this Act;

(zi) "Section" means a section of this Act;

(zj) "Sponsoring Body" in relation to a University established under this Act means, —

(*i*) a society registered under the Societies Registration Act, 1860; or

(*ii*) a public trust registered under the Indian Trusts Act, 1882; or

(*iii*) any Educational Institution established under section 25 of the Companies Act, 1956 or a company registered under section 8 of the Companies Act, 2013;

(zj) "State" means the State of Sikkim;

(zk) "State Government" means the State Government of Sikkim;

(zl) "Statutes", "Ordinances" or "Regulations" means respectively, the Statutes, Ordinances or Regulations of the University made under this Act;

(zm) "Student" means a person enrolled in a University for taking a course of study for a degree, diploma or other academic distinctions instituted by the University, including a research degree;

(zn) "Study Center" means the center established maintained by the University for the purpose of advising, counselling or for rendering any other assistance required by the students in the context of distance education;

(zo) "Teacher" means a Professor, Associate Professor, Assistant Professor, Adjunct Professor or any other person required to impart education or to guide research or to render guidance in any form to the students for pursuing a course of study of the University;

(zp) "University" means the self-financed private university mentioned in the Schedule.

(zq) "University Grants Commission" means the University Grants Commission established under the University Grants Commission Act, 1956;

(zr) "Visitor" means the Visitor of the University referred to in section 21 of the Act;

CHAPTER-II

DETAILED PROJECT REPORT AND APPRAISAL MECHANISM

Detailed Project Report

3. (1) Any sponsoring body desirous of establishing a self-financed private university under this Act, may submit an application along with a Detailed Project Report (DPR) containing a proposal for establishment of a University to the State Government in such manner along with such processing fees as may be prescribed.

(2) The Detailed Project Report (DPR) shall contain the following particulars, namely: -

(a) the details of the Sponsoring Body submitting an application under sub-section (*1*) along with the copies of its registration certificate, constitution and bye-laws;

(b) the information regarding financial resources of the Sponsoring Body along with audited accounts for the past 3(three) years for existing private institutes conducting an educational activity or plan for mobilization for financial resources duly certified by the Chartered Accountant for newly established Sponsoring Body;

(c) the name, location and headquarters of the proposed University;

(d) the objects of the University;

(e) the availability of land and details of buildings and infrastructure facilities if already exists; or the master plan for the land acquisition, building construction and infrastructure establishment, in compliance with the applicable regulations of local and State bodies;

(f) the proposed plan and availability of academic facilities including teaching and non-teaching staff, if any, at the disposal of the Sponsoring Body;

(g) the details of plans for campus development such as construction of building, development of structural amenities and infrastructure facilities and procurement of equipments, etc., to be undertaken before the University starts functioning and phased programme for first 5(five) years;

(h) the phased outlay of capital expenditure proposed for the next 5(five) years and its sources of finance;

(i) the nature and the type of programme of study and research proposed to be undertaken by the University and their relevance to the development goals and employment needs of the State and phasing of such programme for the first five years with course-wise enrolment targets;

(j) the experience and expertise in concerned disciplines at command of the Governing Body;

(k) the nature of facilities, courses of study and work of research proposed to be started;

(l) the estimated recurring expenditure course-wise or activity-wise, source of finance and estimated expenditure per student;

(m) the scheme of mobilization of resources and the cost of capital thereto and the manner of repayment of such resources;

(n) the scheme for generation of funds internally, through the recovery of fees from the students, revenues anticipated from consultancy services and other activities relating to the objects of the University and other anticipated income;

(o) the supportive plan for educational enhancement of the weaker section of society domiciled in the State through special provision and affirmative action in this regard;

(p) the system proposed to be followed for selecting students for admission to the courses of study of the University;

(q) the nature of programmes related to local needs and nature of specialized teaching, training or research activities, to be undertaken by the University to fulfil the objects of the proposed University;

(r) whether the University proposes to start some programmes for the benefits of farmers, agricultural labourers, other labourers, women and industries. If so, details thereof shall be given;

(s) details of playgrounds and other facilities available or proposed to be created for games, sports and extra-curricular activities like National Cadet Corps (NCC), National Service Scheme (NSS), *etc.*;

(t) the arrangements proposed to be made for academic auditing;

(u) justification regarding the necessity of establishment of the proposed University;

(v) commitment to follow the norms of the Regulatory Bodies;

(w) such other details as the Sponsoring Body may like to give;

(*x*) such other details as may be prescribed by rules.

Submission and Examination of Detailed Project Report

4. (1) On receipt of an application containing the proposal for establishing the University along with Detailed Project Report (DPR) by the Sponsoring Body, the Scrutiny Committee constituted by an order issued by the Government, shall scrutinize the proposal and Detailed Project Report on the following grounds, namely: -

(*a*) financial soundness and assets of the Sponsoring Body and its ability to set up the infrastructure of the proposed University;

(*b*) background of the Sponsoring Body that is to say its expertise and experience in the field of education, its general reputation, *etc.*, and its commitment to follow the norms of the Regulatory Bodies;

(*c*) potential and capability of Sponsoring Body to offer, proposed academic programme, research and innovation activities, framing curriculum as per the education policy of the Regulatory Bodies that is to say ability of the academic programme to develop the human resources as per the requirements of the contemporary demand; including the newness of the programme as defined in the objects of the proposed University;

(*d*) the proposal is in consonance with standards of education specified by the concerned Regulatory Bodies;

(*e*) whether the proposal is in consonance with the orders issued by the State Government on this behalf, from time to time.

(2) The Scrutiny Committee while scrutinizing the proposal and project report under sub-section (*1*), may call for such other information from the Sponsoring Body as it may think proper.

(3) The Scrutiny Committee shall submit its report to the Regulatory Commission for consideration with the suggestions, if any.

Issuance of Letter of Intent and Compliance Report

5. (1) After receipt of the report of the Scrutiny Committee constituted under section 4, submitted through the Regulatory Commission, if the Government is satisfied that it is advisable to establish the University, it may issue a Letter of Intent, and require the Sponsoring Body to, -

(*a*) establish an Endowment Fund in accordance with the provisions of section 55;

(b) submit the registered title deeds showing that the Sponsoring Body either owns, or possesses on leasehold basis, land for a minimum period as notified by the State Government vide Notification No. 4/LR&DMD/(R) dated: 29/02/08 and shall be extendable to such period as may be mutually agreed upon by the parties:

Provided that, every Sponsoring Body proposing to establish a university shall possess not less than five (5) acres of contiguous land within the constituency as allocated by the State Government:

Provided further that, such land shall be free from encumbrances and suitable for the purpose of establishing core academic, administrative and infrastructural facilities as per the norms of the University Grants Commission and other Regulatory Bodies:

(*c*) fulfil such other conditions and provide such other information as may be specified by the University Grants Commission or any other Regulatory Body established by law;

(*d*) provide a detailed site-specific plan for the permanent campus, as per the norms;

(*e*) give undertaking to appoint Professor, Associate Professor and adequate number of Assistant Professors along with necessary supporting staff in each department or discipline to be started by the University as per the norms laid down by Regulatory Body;

(*f*) give undertaking to take up co-curricular activities like seminars, debates, quiz programmes and extra-curricular activities like games, sports, National Service Scheme (NSS), National Cadet Corps (NCC), etc., for the benefit of students as per the norms laid down by the Regulatory Body;

(*g*) give undertaking for establishment of Provident Fund and to take up welfare programmes for the employees of the University;

(*h*) fulfil such other conditions as to infrastructure and other requirements and provide such other information as may be laid down by Regulatory Body or prescribed by rules.

(2) The Sponsoring Body shall fulfil the requirements and conditions specified in sub-section (*1*) and shall report the compliance to the Government within a maximum period of one year from the date of issue of Letter of Intent. The Government may in exceptional circumstances extend the said period by an order issued by the Government on payment of such fees as may be specified therein.

(3) On receiving the compliance report by the Sponsoring Body, the Scrutiny Committee shall verify the compliance report.

(4) The Scrutiny Committee shall submit its report to the Regulatory Commission within 1(one) month from the date of its appointment specifying whether the Sponsoring Body has fulfilled the requirements and conditions laid down in sub-section (*1*). The Regulatory Commission may extend the period of submission of report by the said Committee up to the maximum period of 3(three) months.

(5) If the Sponsoring Body fails to comply with the provision of sub-section (*1*), the proposal submitted by the Sponsoring Body under sub-section (3) shall stand rejected and the Letter of Intent issued under sub section (*1*), shall be deemed to have been withdrawn.

CHAPTER-III

ESTABLISHMENT AND INCORPORATION OF UNIVERSITY

Establishment and Incorporation of University

6 (1) The Government may, after considering the report submitted by the Regulatory Commission as provided under section 7 of the Act, if satisfied that the Sponsoring Body has complied with the provisions of section 5, permit the establishment of a private University, by inclusion of the name, location, constituency and headquarters of the private University and its Sponsoring Body in Part II of the Schedule by amending the Schedule by enacting a law by the State Legislature:

Provided that, the Universities specified in Part II of the Schedule on the date of commencement of this Act shall be deemed to have been established on that date.

(2) The Chancellor, Vice-Chancellor and members of the Governing Body, Board of Management and Academic Council and all other persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted and declared to be a body corporate by the name specified therefore in the Schedule.

(3) The Universities mentioned in the Schedule shall have perpetual succession and common seal and shall sue and be sued by that name.

(4) In relation to each of the existing University and its Sponsoring Body specified in columns (*2*) and (*4*), respectively, of Part I of the Schedule, the corresponding University with the name, location, constituency and headquarters specified against it in column (*3*) of the said Part, is deemed to have been established under this Act, for the objects for which it was constituted immediately before the date of commencement of this Act and the provisions of this Act shall be applicable to such university.

(5) The University shall function as a non-affiliating unitary University established under this Act and it shall not affiliate any other college or institute for the award or conferment of degree, diploma or certificate to the students admitted therein.

(6) Every private University established under this Act shall function exclusively within the territorial jurisdiction of the State of Sikkim, and shall not undertake any academic, administrative or related institutional activity outside the State.

(7) The University shall establish and operate its campus only within the assembly constituency allocated and approved by the State Government at the time of its establishment, and shall not shift or expand beyond such approved location except with prior approval of the State Government.

(8) No private University shall establish or operate any off-campus centre, study centre, constituent unit, satellite campus, online or distance learning (ODL) programme, e-learning platform, virtual campus, or any mode of remote academic delivery, except with the prior approval of the University Grants Commission and the State Government, and subject to such conditions as may be prescribed.

(9) Every University shall obtain accreditation from the National Assessment and Accreditation Council (NAAC) or the National Board of Accreditation (NBA) within 5(five) years from its establishment.

(10) Every University shall publish an Internal Quality Assurance Cell as required by the National Assessment and Accreditation Council for continual internal assurance process and periodic external peer review. The quality reports shall be submitted to the Government.

(11) Every University shall publish an Annual Performance Indicator Report containing, inter alia-

(a) student enrolment, retention and graduation rates;

(b) employability, placement and progression outcomes;

(c) faculty qualifications, turnover and research productivity;

(d) infrastructure and learning-resource adequacy;

(e) audited financial statements;

(f) student satisfaction and grievance statistics.

(12) The State Government shall publish an annual Sikkim Private Universities Quality Dashboard containing comparative institutional indicators.

(13) Notwithstanding, anything contained in this Act or any other Laws, the private universities shall establish their permanent campus within 5 (five) years from the date of their respective legislation within the allocated constituency.

CHAPTER-IV

INDEPENDENT REGULATORY COMMISSION

Regulatory Commission

7. (1) The State Government shall, by notification in the Official Gazette, establish a commission to be known as the Sikkim Private Universities Regulatory Commission.

(2) The Commission shall be an independent regulatory authority responsible for monitoring, supervision, and overall quality control of all private universities in the State of Sikkim, in accordance with the provisions of this Act.

(3) The Commission shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, and to enter into contract, subject to the provisions of the Act.

(4) The Commission shall establish its headquarters at such place in Sikkim as may be notified by the State Government.

Composition of the Commission

8. (1) The Commission shall consist of-

(a) one Chairperson, to be nominated by the State Government;

(b) one Vice-Chairperson, to be nominated by the State Government;

(c) not more than two members to be nominated by the State Government;

(d) one officer from the Education Department (Higher Education), not below the rank of Joint Secretary or equivalent, who shall act as the Member-Secretary for the meetings of the Commission.

(2) The person referred to in clause (c) shall be in addition to the members appointed under clause (b).

Appointment of the Chairperson, Vice-Chairperson and Members

9. (1) The State Government shall by notification appoint-

(a) the Chairperson of the Commission as may be deemed fit by the State Government;

(b) the Vice-Chairperson of the Commission as may be deemed fit by the State Government;

(c) not more than three members, as may be deemed fit by the State Government.

(2) The Chairperson, Vice-Chairperson and the members shall hold office for a term of five years from the date on which he assumes office, or until he attains the age of sixty-five years, whichever is earlier.

(3) The Chairperson, Vice-Chairperson and the members may be eligible for reappointment for one additional term.

(4) The Chairperson, Vice-Chairperson or the Members may resign from his office by writing under his hand addressed to the State Government, and his resignation shall take effect from the date on which it is accepted by the Government.

(5) The State Government may remove the Chairperson, Vice-Chairperson or any of the members on the grounds of proven mis-behavior or incapacity after such inquiry as may be prescribed:

Provided that no member shall be removed unless his removal is recommended by the Chairperson:

Provided further that, no orders for removal of a member shall be passed unless a notice stating the specific grounds on which such action is proposed, has been served and a reasonable opportunity to show cause against the proposed order has been given to the member.

(6) Any vacancy caused by death, resignation or removal of a member shall be filled by the State Government by fresh appointment and the person so appointed shall hold office for the remainder of the term of the member in whose place he is appointed.

Salaries and Allowances

10. The salary and allowances of the Chairperson, Vice-Chairperson and other Members of the Commission shall be such as may be determined by the State Government by a separate notification.

Powers and Functions of the Commission

11. (1) The Commission shall have the powers and functions to oversee the performance and compliance of all private universities in Sikkim. In particular, the Commission shall, -

(a) investigate and inquire into the functioning of private universities, including any aspect of their operations, administration, and academics. The Commission may on its own motion, or upon receiving a complaint, conduct inspections and inquiries into any matter of a private university's affairs;

(b) oversee and ensure that each private University maintains the required academic standards, administrative efficiency, financial propriety, and adequate infrastructural facilities as per law and applicable regulations. This includes monitoring the quality of teaching, research, examinations, and the overall educational environment;

(c) ensure that the rights and well-being of the students and employees of private universities are protected. The Commission may issue directions to universities to rectify any practices that are detrimental to the interests, safety, or welfare of the students or staff;

(d) ensure that private universities comply with the provisions of all applicable laws (including this Act and rules/ regulations made hereunder, as well as norms set by bodies like UGC or other regulatory authorities). The Commission shall have the authority to issue binding orders or directions to any private University to rectify deficiencies, comply with standards, or otherwise improve their governance and performance;

(e) in the event of non-compliance or persistent violations by a private University, the Commission may impose appropriate penalties as provided in this Act or rules or any other applicable laws for the time being in force. Such penalties may include fines, orders to refund fees to affected students, an order directing the University to stop admissions to certain courses or programs until deficiencies are rectified, or any corrective action within the Commission's competence;

(f) where a private University commits serious or repeated violations, or fails to comply with the directives of the Commission, the Commission shall have the power to recommend to the State Government that the University's license or authority to operate be suspended or revoked. Any such recommendation shall be accompanied by a detailed report of findings and shall be considered by the State Government in accordance with law.

(2) If the circumstances so warrants and if the University has blatantly violated the conditions of its establishment or any other applicable law, the State Government may initiate proceedings to dissolve the University, in the manner provided by law. Such action shall be taken only upon the recommendation of the Commission and after giving the concerned University a final opportunity to explain its position.

(3) All fines imposed by the Commission under this Act, if not paid within the time specified, can be recovered from the Endowment Fund and other means as may be available.

(4) The Commission, while imposing any penalty, shall record in writing the reason for the penalty and the proportionality of the penalty to the violation. The concerned University shall be informed through a written order detailing the violation, the penalty, and the corrective measures expected.

(5) For the purpose of carrying out its functions, the Commission shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters:

(a) summoning and enforcing the attendance of any person, including officers of a university, and examining them on oath;

(b) requiring the discovery and production of any documents or records from any private University or its management;

(c) receiving evidence on affidavits; and

(d) requisitioning any public record or copy thereof from any court or office.

(6) The Commission may call for periodic returns or reports from private universities regarding their academic performance, financial health, faculty qualifications, student admissions, fee structure, infrastructural developments, or any other aspect as it deems necessary.

(7) The Commission may advise the State Government on any policy matter concerning the improvement of higher education standards in private Universities, including suggesting new guidelines or amendments to existing laws governing private Universities.

(8) The Commission may constitute committees of experts or practitioners for advising on specific matters.

(9) To perform such other functions as may be prescribed by the State Government or as may be necessary for carrying out the purposes of this Act.

Reporting and Transparency

12. (1) The Commission shall submit quarterly reports of its activities, findings, and recommendations to the State Government. Each quarterly report shall include, inter alia: details of inspections conducted, inquiries made, summary of compliance status of each private University, actions taken against any University for non-compliance of any rules, regulations, directives, or the University's own objectives, and any recommendations for further action or policy changes.

(2) In addition to quarterly reports, the Commission shall prepare an Annual Report every year, summarizing the performance of all private Universities in the State and the Commission's own activities for that year. The State Government shall cause the Annual Report to be laid before the Sikkim Legislative Assembly.

(3) Key findings and significant actions taken by the Commission (such as penalties imposed, directives issued, or recommendations made) shall be made available to the public in an accessible manner. The Commission shall publish on its official website (or by other appropriate means) synopses of its reports and the outcomes of important inquiries, ensuring transparency in its functioning. However, while making public disclosures, the Commission shall protect any confidential information or personal data as per law and shall refrain from disclosing any matter which may compromise the privacy or safety of individuals or the integrity of ongoing inquiries.

(4) The Commission shall furnish to the State Government any information, returns, or statements on its work or on the state of private Universities as and when required by the Government from time to time. The State Government may also direct the Commission to study or inquire into any specific issue concerning private Universities and report back its findings.

(5) The Commission shall bring any important development in respect of any private University as it arises to the notice of the Government.

Staff of the Commission

13. (1) The State Government shall provide such officers and staff from the Education Department as may be considered necessary by the Commission for the efficient functioning.

(2) The Commission shall have the power to engage consultants or experts for specific purposes, on terms and conditions approved by the State Government, if necessary.

(3) The State Government shall make available to the Commission adequate office space and infrastructure.

Funds and Finances of the Commission

14. (1) The State Government shall provide the Commission with funds as part of the State budget, sufficient to enable the Commission to carry out its duties and functions effectively. Expenses of the Commission, including salaries and other benefits of the Chairperson, Vice-Chairperson, Members, if required, shall be met from such grants or funds.

(2) There shall be established a fund called the Sikkim Private Universities Regulatory Commission Fund to be operated and controlled by the Commission.

(3) All sums received by the Commission under this Act, including fees and charges referred to in sub-section (4), shall be credited to the Fund.

(4) The State Government shall prescribe, by rules, the annual fee payable by every private University and, where applicable, by each private University; the rate or amount of such fee shall be determined by the State Government on the recommendation of the Commission. All fees collected under this sub-section shall be credited to the Fund.

(5) The Fund shall be utilized exclusively for meeting the expenses of the Commission other than the expenses referred to in sub-section (1) or as approved by the Commission. No part of the Fund shall be diverted for any purpose other than the functioning of the Commission.

(6) The Commission shall maintain proper accounts of receipts and expenditures of the Fund in such form and manner as may be prescribed by the State Government.

CHAPTER-V

RESPONSIBILITIES AND OBLIGATIONS OF THE UNIVERSITY

Restrictions and Obligations of the University

15 (1) The tuition fees for professional courses such as Information Technology, Mass Communication, Science, Education, Management, Engineering, Commerce, Law, etc., in the

University shall be determined by the University under the supervision of the Regulatory Body notified by the State Government from time to time.

(2) Admission in the University shall be strictly on the basis of merit. Merit for admission in the University may be determined either on the basis of marks or grade obtained in the qualifying examination and achievements in co-curricular and extra-curricular activities or on the basis of marks or grade obtained in the entrance test conducted at State level either by the University or an association of the Universities conducting similar courses or by any agency of the State Government:

Provided that, the admission in professional educational colleges or institutions of the University shall be governed under the provisions of the Regulatory Bodies.

(3) The University shall allow merit scholarship to at least 5 (five) percent of the total strength, to the students belonging to poor and economically backward classes. The relevant criteria for determining the poor and economically backward classes shall be such as may be determined by the State Government from time to time.

(4) The University shall compulsorily make provisions for reservation of seats for the students domiciled in the State of Sikkim to the extent of at least 25 (twenty-five) percent of the total students in the University. The reservation of seats shall be regulated by the prevalent laws and orders of the State Government from time to time.

(5) The University shall make provisions for reservation of non-teaching posts in the University for the persons domiciled in the State of Sikkim to the extent of at least 50(fifty) percent of the total number of non-teaching posts of the University. The reservation of seats shall be regulated by the laws and orders of the State Government from time to time.

(6) The University shall appoint adequate number of teachers and officers in the University for maintaining the academic standards specified and shall ensure that the qualifications of such teachers or officers of the University shall not be lower than that prescribed by the relevant Regulatory Bodies.

(7) The University shall compulsorily place in the public domain every information in relation to the University which would be of interest to the students and other stakeholders *inter alia*, including the courses offered, number of seats under different categories, fees and other charges, facilities and amenities offered, faculty in place and such other relevant information as deemed appropriate by the State Government and other Regulatory Bodies.

(8) The Convocations of the University may, for conferring degrees, diplomas or for any other purpose, be held in every academic year in the manner as may be prescribed by the Statutes.

(9) Notwithstanding anything contained in this Act, the University shall be bound to comply the conditions mentioned in all the rules, regulations, norms, of the Regulating Bodies of Government of India and State Government and provide all such facilities and assistance to such bodies as are required by them to discharge their duties and carry out their functions.

Objectives of the University

16. (1) The objects of the University shall be as follows, namely: —

(*a*) to provide learning, teaching, capacity, capability and skills development and research and development in Higher and Technical Education covering Liberal Arts, Humanities, Social Sciences, Life Sciences and Bio-technologies, Nano-Sciences and Technologies, Professional Disciplines such as Engineering, Technology, Management, Law, Business and Commerce, Applied and Creative Arts, Vocational Education, Media, Information and Communication Technology and Education per seand their inter-disciplinary, multi-disciplinary studies and development;

(*b*) to provide instructions, teaching and training in Higher and Technical Education, Arts, Sports, Culture, Film, Space Technologies, Himalayan studies and make provisions for research;

(*c*) to create higher level of cognitive, affective and psychomotor (head, hearts and hands) abilities;

(*d*) to create higher levels of intellectual abilities;

(*e*) to create and deploy new educational programs to promote creativity, innovation and entrepreneurship for inventing new ways for development and social reconstruction and transformation;

(*f*) to establish state-of-the-art facilities for education and development;

(*g*) to carry out teaching and research and offer continuing quality education programmes;

(*h*) to create centres of excellence for research and development in Science and Technology and Socio-Economic development, and for sharing knowledge and its application;

(*i*) to use modern and post-modern processes, mechanisms and technologies for governance and management of learning, teaching, researching, evaluating, developing, organizing and creating socio-economic wealth for individuals and society in twenty first century;

(*j*) to provide professional and development services to the industry and public organizations and society;

(*k*) to start higher education programs and courses in new and emerging areas with innovative approaches;

(*l*) to establish links, collaborations and partnerships with other higher education and research institutions in India and abroad;

(*m*) to institute degrees, diplomas, certificates and other academic distinctions on the basis of examinations, or any other methods of evaluation;

(*n*) to establish innovative approaches for creation of seamlessness in academic structures, learning time-frames, and working and continuous evaluation processes for nurturing and cultivation of creativity and entrepreneurship;

(*o*) to pursue any other objectives as may be suggested by the Government;

(*p*) to ensure that the standard of the degrees, diplomas, certificates and other academic distinctions conferred by a University are not lower than those laid down by the All India Council for Technical Education established under the All India Council for Technical Education Act, 1987 (52 of 1987) or the National Council for Teacher Education established under the National Council for Teacher Education Act, 1993 (73 of 1993) or University Grants Commission established under the University Grants Commission Act, 1956 (3 of 1956) or the Pharmacy Council of India constituted under the Pharmacy Act, 1948 (8 of 1948) or the Bar Council of India constituted under the Advocates Act, 1961 (25 of 1961) or any other Statutory Body, as the case may be.

(2) The State Government may, by notification, notify the special objects of the University.

University open to all irrespective of sex, religion, class, colour, creed, or opinion

17. (1) No person shall be discriminated against or be excluded from any office of the University or from membership of any of its authorities or from admission to any course of study leading to a degree, diploma or other academic distinction on the grounds of sex, race, creed, class, caste, place of birth and religious belief or political or other opinion.

(2) The University shall adopt the general policy of the State Government in regard to the welfare of various categories of weaker sections of the society and minorities as directed by the State Government, from time to time.

Powers and Functions of the University

18. The powers and functions of the University shall be: -

(1) to administer and manage the University, for research, education, training, extension and outreach at its campus within the State of Sikkim;

(2) to collaborate in the work of existing and functional organizations that have stated goals and purposes similar to that of the University;

(3) to provide for research, higher education, professional education, teaching training, extension and outreach including continuing education and e-learning in the fields of science, technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other fields;

(4) to conduct innovative experiments in educational technologies, teaching and learning methods, to collaborate with national and international institutions and to offer joint programmes with such institutes to constantly improve the delivery of education and to achieve international standards of education;

(5) to serve as a forum of exchange of ideas and experience and collections and dissemination of information on institution building practices and technique;

(6) to design the program structures, curricula, credit system teaching learning methodology, evaluation pedagogy and adopt all measures in respect of study, teaching and research relating to the courses offered by the University, to keep the programs outcome skill based and in line with industry requirement;

(7) to hold examination and confer degree, diploma or grant certificate and other academic distinctions or title on persons subject to such condition as the University may determine and to withdraw or cancel any such degree, diploma or certificates and other academic distinction or titles in the manner prescribed by the regulations;

(8) to design courses on subjects and topics generally not covered by other institutions but are of great importance viewing the changes in the society;

(9) to confer honorary degrees or other distinction on the manner prescribed by the Statutes;

(10) to conduct the programmes and courses of study as are in the opinion of the University, necessary for the furtherance of its objects;

(11) to provide for printing, publication and reproduction of research, educational material and other works and to organize exhibitions, conferences, workshops and seminars;

(12) to establish knowledge resource centre;

(13) to sponsor and undertake research and educational programmes in the fields of science, technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other allied areas;

(14) to collaborate or associate with any educational institution with like or similar objects;

(15) to establish campuses including virtual campus for the purpose of achieving the objectives of the University;

(16) to undertake research and to obtain registration in respect of such research in the nature of patents, design rights and such or similar rights with the competent authorities;

(17) to maintain linkages and collaborate with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of students, researchers, faculty and staff and generally in such manner as may be conducive to their common objects;

(18) to render services of research, training, consultancy and such other services as required for the purposes of the University;

(19) to develop and maintain relationships with faculty, researchers, administrators and domain experts in science, technology, humanities, social sciences, education, management, law, commerce, pharmacy, healthcare and allied area for achieving the objects of the University;

(20) to make special arrangement in respect to women and other disadvantaged students as the University may consider desirable;

(21) to regulate the expenditure and to manage the finances and to maintain the accounts of the University;

(22) to receive funds, movable and immovable properties (on lease), equipment, software and other resources from business, industry, other sections of society, national and international organization or any other source by transfers or as gifts, donations, benefactions or bequests for the purposes and objects of the University with prior approval of the State Government;

(23) to establish, maintain and manage halls, hostels for students and quarters for the residence of faculty and staff;

(24) to construct, manage and maintain centres, complexes, auditorium, buildings, stadium for the advancement of sports, cultural, co-curricular and extra-curricular activities;

(25) to supervise and control the residence and regulate the discipline of students, faculty and staff of the University and to make arrangements for promoting their health, general welfare, social and cultural activities;

(26) to fix, demand and receive or recover fees and such other charges as may be prescribed by the Statutes;

(27) to purchase or to take on lease or accept as gifts, bequests, legacies or otherwise any land or building or works which may be necessary or convenient for the purpose of the University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works, subject to the local laws of the State;

(28) to exchange, lease or otherwise dispose of all or any portion of the properties of the University with prior approval of the Government, movable or immovable, on such terms as it may think fit and consistent with the interest, activities and objects of the University;

(29) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques and other negotiable instruments;

(30) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay all expenses out of the funds of the University.

(31) define norms of examination or any other measure of assessment of knowledge and competency of a student including modalities of industry-based assessment, industry-based projects, internships, on the job training and any related activities of students admitted to the University of institutions of skills education affiliated to it;

(32) to identify and recognize industries or training centers for the purpose of practical or hands on training of students in skill and to define norms for recognition of competency attained by students in practical training in industry or training centre for the purpose of earning credits;

(33) to offer Unified Vocational model offering short term training, Industrial Training Institute (ITI) Certificate and Diplomas, Polytechnic Diplomas, Advanced Diploma, Bachelor of Vocational Education (B.Voc.), Bachelor of Skills (B.Skills) Degrees;

(34) to appoint, either on contract, or otherwise, visiting Professors, Emeritus Professors, Consultants, Fellows, Scholars, Artists, Course Writers and such other person who may contribute to the advancement of the objects of the University;

(35) to reach out and partner with Central Ministries, State Governments, National bodies, international bodies for accessing funding, grants, resources via applying to various schemes which can help further the objects of the University;

(36) to provide for the preparation of instruction materials, learning resources, workplace training practices, knowledge repositories, e-learning platforms, digital learning experiences, including films, digital media, video, streaming content, multimedia content, visualization, simulations and other software;

(37) to strive to acquire international prestige for the University;

(38) the convocation of the University shall be held every academic year in the manner, as may be specified by the statutes for conferring degrees, diplomas, awards or for any purpose;

Bar to Affiliation

19. The University shall have no power to affiliate or otherwise admit to its privileges any other institution.

CHAPTER-VI

OFFICERS OF THE UNIVERSITY

Officers of the University

20. (1) The following shall be the officers of the University namely:

(a) The Visitor;

(b) The Chancellor;

(c) The Vice-Chancellor;

(d) The Pro Vice-Chancellor;

(e) Director/Principal;

(f) The Registrar;

(g) The Chief Finance and Accounts Officer;

(h) The Controller of Examinations;

(i) The Dean of Students Welfare;

(j) The Dean of Faculty;

(k) The Proctor, and

(l) Such other officers as may be declared by the Statute to be the officers of the University.

The Visitor

21. (1) The Governor of Sikkim shall be the Visitor of the University.

(2) The Visitor shall, when present, preside at the convocation of the University for Conferring Degrees, Diplomas, charters, Designation and certificates.

(3) The Visitor shall have the right to visit the University or any institution maintained by the University to ensure the standard of education, discipline, decorum and proper functioning of the University.

The Chancellor

22. (1) The Chancellor shall be appointed by the Sponsoring Body for a period of 5(five) years with the approval of the State Government by following such procedures and on such terms and conditions as may be prescribed. On the expiry of the term, the Chancellor may be re-appointed by the Sponsoring Body in consultation with the State Government.

(2) The Chancellor by virtue of his office shall be the head of the University.

(3) The Chancellor shall preside over the meetings of the Governing Body and shall, when the Visitor is not present, preside over the convocation of the University for conferring degrees, diplomas, or other academic distinctions.

(4) The Chancellor may in writing under his hand addressed to the head of the Sponsoring Body resign his office.

(5) The Chancellor shall have the following powers, namely: -

(a) to call for any information or record;

(b) to appoint the Vice-Chancellor;

(c) to remove the Vice-Chancellor in accordance with the provisions of this Act; and

(d) such other powers as may be conferred on him by this Act or Statutes made hereunder.

The Vice-Chancellor

23. (1) The Vice-Chancellor shall be appointed by the Chancellor as per the qualifications prescribed by the University Grants Commission and shall hold office for a period of 5 (five) years:

Provided that after the expiry of the term of five years, the Vice-Chancellor shall be eligible for re-appointment for another term of 5(five) years:

Provided further such re-appointment shall not exceed 70 (seventy) years of age under any circumstance:

(2) The Vice-Chancellor shall be the Principal Executive and Academic Officer of the University and shall exercise general superintendence and control over the affairs of the University and shall execute the decisions of various authorities of the University.

(3) In the absence of both the Visitor and the Chancellor, the Vice-Chancellor shall preside over the convocation of the University.

(4) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall convey to such authority the action taken by him on such matters:

Provided that if the authority of the University or any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section may prefer an appeal to the Chancellor within 1(one) month from the date of communication of such decision. The Chancellor may confirm, modify or reverse action taken by the Vice-Chancellor.

(5) The Vice-Chancellor shall exercise such powers and perform such other functions as may be prescribed.

Removal of Vice-Chancellor

24. (1) If at any time and after such inquiry as may be considered necessary, it appears to the Chancellor that the Vice-Chancellor, -

(a) has failed to discharge any duty imposed upon him by or under this Act, the Statutes, the Ordinances; or

(b) has acted in a manner prejudicial to the interests of the University; or

(c) is incapable of managing the affairs of the University, then the Chancellor may, notwithstanding the fact that the term of office of the Vice-Chancellor has not expired, require the Vice-Chancellor, by an order in writing stating the reason thereof, to resign from his post from the date as may be specified in the order.

(2) No orders under sub-section (1) shall be passed unless a notice stating the specific grounds on which such action is proposed, has been served and a reasonable opportunity to show cause against the proposed order has been given to the Vice-Chancellor.

(3) If at any time, upon presentation made or otherwise, and after making such inquiry as may be deemed necessary, the situation so warrants and if the continuance of the Vice-Chancellor is not in the interest of the University, the Chancellor may, by an order in writing stating the reasons therein, in consultation with the governing body ask the Vice-Chancellor to relinquish his office from such date as may be specified in the order:

Provided that before taking action under this section, the Vice-Chancellor shall be given an opportunity of being heard.

Deans of Faculties

25. The Deans of Faculties shall be appointed by the Chancellor in such manner and on such terms and conditions of service as may be prescribed by the Statutes.

The Registrar

26. (*1*) The Registrar shall be appointed by the Chancellor in such manner and on such terms and conditions of service as may be prescribed by the Statutes.

(2) The Registrar shall be the Chief Administrative Officer of the University. Subject to the decisions of the authorities of the University, he shall have the power to enter into an agreement, contract; sign documents and authenticate records on behalf of the University. He shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(3) The Registrar shall be the Member-Secretary of the Governing Body, Board of Management and Academic Council, but shall not have the right to vote.

(4) The Registrar shall be the custodian of the records, the common seal and such other property of the University as the Governing Body may commit to his charge.

(5) The Registrar shall exercise such other powers and perform such other duties as may be assigned to him by the Vice-Chancellor, from time to time.

Controller of Examinations

27. (1) The Controller of Examinations shall be appointed by the Chancellor in such manner and on such terms and conditions of service as may be prescribed by the Statutes.

(2) The Controller of Examinations shall be the principal officer-in-charge of the conduct of examinations and tests of the University and the declarations of their results. He shall discharge his functions under the superintendence, directions and guidance of the Vice-Chancellor.

(3) The Controller of Examinations shall be a full-time salaried officer of the University and shall work directly under the direction and control of the Vice-Chancellor of the University. His appointment shall be for a term of 3(three) years and he shall be eligible for re-appointment for a term not exceeding three years. The qualification and experience for the purpose of selection of the Controller of Examinations, shall be such as may be prescribed by the Statutes.

(4) The Controller of Examinations shall be responsible for, -

(a) preparing and announcing in advance the calendar of examinations;

(b) arrangement for printing of question papers;

(c) arrangement for the timely publication of result of examinations and other tests;

(d) taking disciplinary action where necessary against the candidates, paper-setters, examiners, moderators, or any other persons connected with examinations and found guilty of malpractices in relations to the examinations;

(e) reviewing, from time to time, the results of University examinations and forward reports thereon to the Academic Council;

(*f*) the Controller of Examinations shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or assigned to him.

The Chief Finance and Accounts Officer

28. (1) The Chief Finance and Accounts Officer shall be the Principal Finance, Accounts and Audit Officer of the University.

(*2*) The Chief Finance and Accounts Officer shall be appointed by the Chancellor in such manner and on such terms and conditions of service as may be prescribed by the Statutes.

(*3*) The Chief Finance and Accounts officer shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Other Officers

29. (1) The University may appoint such other officers as may be necessary for its functioning.

(2) The manner of appointment of other officers of the university, the terms and conditions of service of such officers and their powers and functions shall be such as may be prescribed by the Statutes.

CHAPTER-VII

AUTHORITIES OF THE UNIVERSITY

Authorities of the University

30. The following shall be the authorities of the University namely:

(a) the Governing Body;

(b) the Board of Management;

(c) the Academic Council;

(d) the Finance Committee;

(e) the Planning Board;

(f) the Board of Examinations;

(g) such other authorities as may be declared by the Statutes to be the authorities of the University.

The Governing Body

31. (*1*) The Governing Body of the University shall consist of the following members, namely: —

(*a*) the Chancellor;

(*b*) the Vice-Chancellor;

(*c*) five persons, nominated by the Sponsoring Body out of whom two shall be eminent educationists;

(*d*) one expert from the field of management or information technology from outside the University, nominated by the Chancellor;

(*e*) two persons shall be nominated by the State Government, of whom one shall be the Secretary, Directorate of Higher and Technical Education, and the other shall be an officer not below the rank of Director in the Higher and Technical Education Directorate;

(*f*) two representatives of the industries to be nominated by the Chancellor; and

(*g*) the Registrar of the University shall be the permanent invitee to the Governing Body but shall not have the right to vote.

(*2*) The Governing Body shall be the supreme authority of the University.

(*3*) The Governing Body shall have the following powers, namely: -

(*a*) to provide general superintendence and directions and to control functioning of the University by using all such powers as are provided by this Act and the Rules, Statutes, Ordinances or Regulations made thereunder;

(*b*) to review the decisions of other authorities of the University in case they are not in conformity with the provisions of this Act and the Rules, Statutes, Ordinances or Regulations made thereunder;

(*c*) to approve the budget and annual report of the University;

(*d*) to lay down the policies to be followed by the University;

(*e*) to recommend to the Sponsoring Body about the voluntary liquidation of the University if a situation arises when smooth functioning of the University does not remain possible, in spite of all efforts; and

(*f*) such other powers as may be prescribed by the Statutes.

(*4*) The Governing Body shall meet at least thrice in a calendar year.

(*5*) The quorum for meetings of the Governing Body shall be five:

Provided that the Secretary to the Government, Directorate of Higher and Technical Education, Sikkim, or in his absence, Director, Higher Education shall be present in each meeting in which decisions on issues involving Government policies or instructions are to be taken.

The Board of Management

32. (1) The Board of Management shall consist of the following members, namely: -

(*a*) the Vice-Chancellor;

(*b*) two members of the Governing Body, nominated by the Sponsoring Body;

(*c*) two Deans of Faculties, by rotation, to be nominated by the Vice-Chancellor;

(*d*) three persons, who are not the members of the Governing Body, nominated by the Sponsoring Body; and

(*e*) three persons from amongst the teachers, nominated by the Sponsoring Body.

(*2*) The Vice-Chancellor shall be the Chairperson of the Board of Management.

(*3*) The powers and functions of the Board of Management shall be such as may be prescribed by the Statutes.

(*4*) The Board of Management shall meet at least once in every two months.

(*5*) The quorum for meetings of the Board of Management shall be five.

The Academic Council

33. (1) The Academic Council shall consist of the Vice-Chancellor and such other members as may be prescribed by the Statutes.

(*2*) The Vice-Chancellor shall be the ex-officio Chairperson of the Academic Council.

(*3*) The Academic Council shall be the Principal Academic Body of the University and shall, subject to the provisions of this Act and the Rules, Statutes or Ordinances made thereunder, co-ordinate and exercise general supervision over the academic policies of the University.

(*4*) The quorum for meetings of the Academic Council shall be such as may be prescribed by the Statutes.

The Finance Committee

34. (1) The Finance Committee shall be the Principal Financial Body of the University to take care of the financial matters.

(2) The constitution, powers and functions of the Finance Committee shall be such as may be prescribed.

The Planning Board

35. (1) The Planning Board shall be the Principal Planning Body of the University and shall ensure that the infrastructure and academic support system meets the norms of the University Grants Commission or the respective Regulatory Bodies.

(2) The constitution of the planning board, term of office of its members and its power and functions shall be such as may be prescribed.

The Board of Examinations

36. (*1*) The Board of Examinations shall be the Principal Authority of the University for conducting the examinations and making policy decisions in regard to organizing and holding

examinations, improving the system of examinations, appointing the paper–setters, examiners and moderators and also prepare the schedule of examinations for holding examinations and declaration of results. The Board of Examinations shall also oversee and regulate the conduct of examinations in study centers or any center related to the University.

Explanation. — For the purposes of this section and section 44, the expression "schedule of examinations" means a table giving details about the time, day and date of the commencement of each paper which is a part of a scheme of examinations and shall also include the details about the practical examinations.

(2) The Board of Examinations shall consist of the following members, namely :–

(*a*) the Vice-Chancellor – Chairperson;

(*b*) Professor of each subject – Members;

(*c*) one evaluation expert – Co-opted Member;

(*d*) the Controller of Examinations – Member-Secretary.

(3) The powers and functions of the Board of Examinations shall be such as may be prescribed by the Statutes.

Other Authorities

37. The constitution, powers and functions of other authorities of the University, shall be such as may be prescribed.

Disqualification for membership of an authority or body

38. A person shall be disqualified from being a member of any of the authorities or bodies of the University, if he;

(a) is of unsound mind and stands so declared by a competent court;

(b) is an undischarged insolvent;

(c) has been convicted of any offence involving moral turpitude;

(d) has been punished for indulging or in promoting unfair practice in the conduct of any examination, in any form, anywhere; or

(e) is unfit to hold the post, in such case the Governing Body shall form an opinion in writing that such member is unfit.

Vacancies not to invalidate the constitution of, or the proceedings of any authority or body of University.

39. No act or proceedings of any authority of the University shall be invalid merely by reason of existence of any vacancy or defect in the constitution of any authority or body of the University.

Constitution of Committees

40. (1) The authorities or officers of the University may constitute committees with such terms of reference for specific tasks to be performed by such committees as may be necessary.

(2) The constitution of such committees shall be such as may be prescribed by the Statutes.

CHAPTER-VIII

STATUTES, ORDINANCE AND REGULATIONS

First Statute

41. (1) Subject to the provisions of this Act, and the rules made hereunder, the First Statutes may provide for all or any of the following matters, namely:

(a) the constitution, powers and functions of the authorities and other bodies of the University as may be constituted from time to time;

(b) the terms and conditions of appointment of the Chancellor, the Vice-Chancellor and their powers and functions;

(c) the manner and terms and conditions of appointment of the Registrar and Chief Finance and Accounts Officer, their powers and functions;

(d) the manner and terms and conditions of appointment of other officers and teachers and their powers and functions;

(e) the terms and conditions of service of employees of the University;

(f) the procedure for arbitration in cases of disputes between employees or students and the University;

(g) the conferment of honorary degrees;

(h) the provisions regarding exemption from payment of tuition fee and awarding scholarships and fellowships to the students;

(i) framing of policy for admission, including regulation of reservation of seats; and

(j) fees to be charged from students.

(2) The First Statutes of the University shall be made by the Governing Body and shall be submitted to the State Government for its approval.

(3) The State Government shall consider the First Statutes submitted by the University and shall approve it within 60 (sixty) days from the date of its receipt, with or without modifications as it may deem necessary.

(4) The University shall communicate its agreement to the First Statutes as approved by the State Government, and if it desires not to give effect to any modifications made by the State Government under sub-section (3), it may give reasons thereof and after considering such reason, the State Government may or may not accept the suggestions made by the University.

(5) The State Government shall publish the First Statutes, as finally approved by it, with or without modifications and it shall be published by it in the Official Gazette, and thereafter it shall come into force from the date of such publication.

Subsequent Statutes

42. (1) Subject to the provisions of this Act and the rules made hereunder, the subsequent Statutes of the University may provide for all or any of the following matters, namely: -

(a) creation of new authorities of the University;

(b) accounting policy and financial procedure;

(c) representation of teachers in the authorities of the University;

(d) creation of new departments and abolition or restructuring of existing departments;

(e) institution of medals and prizes;

(f) procedure for creation and abolition of posts;

(g) revision of fees;

(h) alteration of the number of seats in different disciplines; and

(i) all other matters which by or under the provision of this Act is required to be prescribed by the Statutes.

(2) The Statutes of the University other than the First Statutes shall be made by the Board of Management with the approval of the Governing Body.

(3) The Statutes made under sub-section (2) shall be submitted to the State Government and it may approve or, if considers necessary, give suggestions for modification as far as possible within two months from the date of receipt of the Statutes.

(4) The Governing Body shall consider the modifications suggested by the State Government and return the Statutes to it with its agreement to such changes or with its comments on the suggestions made by the State Government.

(5) The State Government shall consider the comments of the Governing Body and may approve the Statutes with or without modifications and it shall be published by it in the Official Gazette, which shall come into force from the date of such publication.

First Ordinance

43. (1) Subject to the provisions of this Act, the Rules and the Statutes made hereunder, the First Ordinances may provide for all or any of the following matter, namely: -

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study to be laid down for degrees, diplomas and certificates of the University;

(c) the award of degrees, diplomas, certificates and other academic distinctions, the minimum qualifications for the same;

(d) the conditions for award of fellowships, scholarships, stipends, medals and prizes;

(e) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies examiners and moderators;

(f) fees to be charged for the various courses examinations, degrees or diplomas of the University;

(g) the conditions of residence of the students of the University;

(h) provision regarding disciplinary action against the students;

(i) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(j) the manner of co-operation and collaboration with other Universities and institutions of higher education;

(k) such other matters which are required to be provided by the Ordinances by or under this Act.

(2) The First Ordinances of University shall be made by the Chancellor which after being approved by the Board of Management, shall be submitted to the State Government for its approval.

(3) The State Government shall consider the First Ordinance submitted by the Chancellor under sub-section (2) within 60(sixty) days from the date of its receipt and may approve it or give suggestions for modifications therein.

(4) The Chancellor shall either modify the Ordinances incorporating the suggestion of the State Government or give reasons for not incorporating any of the suggestions made by the State Government and shall return the First Ordinances along with such reasons, if any, to the State Government.

(5) The State Government on receipt of the same, it shall consider the comments of the Chancellor and may approve the First

Ordinances of the University with or without such modifications and thereafter shall publish the same in the Official Gazette, and shall come into force from the date of such publication.

Subsequent Ordinances

44. (1) All Ordinances other than the First Ordinances shall be made by the Academic Council which after being approved by the Governing Body shall be submitted to the State Government for its approval.

(2) The State Government shall consider the Ordinances submitted by the Academic Council under sub-section (1) as far as possible within two months from the date of its receipt and may approve it or give suggestions for modifications therein.

(3) The Academic Council shall either modify the Ordinances incorporating the suggestion of the State Government or give reasons for not incorporating any of the suggestions made by the State Government and shall return the Ordinances along with reason, if any, to the State Government.

(4) The State Government, on receipt of the same, shall consider the comments of the Academic Council and may approve the Ordinances with or without modifications and thereafter shall publish the same in the Official Gazette, which shall come into force from the date of such publication.

Regulations

45. The authorities of the University may, subject to the prior approval of the Board of Management, make Regulations, consistent with the provisions of this Act and the Rules, Statutes or Ordinances made thereunder, for the conduct of their own business and of the committees appointed by them.

CHAPTER-IX

ADMISSIONS, EXAMINATIONS AND CONVOCATION OF THE UNIVERSITY

Admissions

46. (1) Admission in the University shall be made strictly on the basis of merit.

(2) Merit for admission in the University may be determined either on the basis of marks or grade obtained in the qualifying examination for admission and achievements in co-curricular and extra-curricular activities or on the basis of marks or grade obtained in the entrance test conducted at State level either by an association of the Universities conducting similar courses or by any agency of the State:

Provided that admission in professional and technical courses shall be made only through entrance test.

(3) Seats for admission in the University, for the students belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes and PWD (person with disability) students, shall be reserved as per the policy of the State Government.

(4) Seats for admission to each course shall be reserved as per the State Government Notification as issued from time to time for students who are bonafide residents of the State having Sikkim Subject Certificate or Certificate of Identification.

Fee Fixation Committee

47. (*1*) The University may constitute a Fees Fixation Committee for deciding fees structure for various courses and programmes offered therein. The constitution of, and the procedure to be followed by, the Fees Fixation Committee shall be such as may be prescribed by the Statutes.

(*2*) The Committee shall prepare and finalize fees structure after taking into consideration, whether the proposed fees, -

(*a*) is sufficient for, -

(*i*) generating resources for meeting the recurring expenditure of the University; and

(*ii*) the savings required for further development of the University; and

(*b*) is not unreasonable; and

(*c*) does not amount to profiteering.

(*3*) The Government shall have power to review the fees structure of the University and after such review, it may issue directions to the University to amend fees structure, appropriately and the University shall implement those directions.

(*4*) The State Government shall not reimburse any fees or shall not take any financial liability for students belonging to the backward classes admitted into the University.

(*5*) The University shall not charge any fees, by whatever name called, other than that for which it is entitled under this section.

Prohibition of Capitation Fee

48. (1) No Private University, or any person acting on its behalf, shall demand, accept or cause to be accepted any capitation fee, donation, contribution or consideration, by whatever name called, as a condition for admission, continuation of studies, or conferment of any degree, diploma or certificate.

(2) Every Private University shall strictly adhere to the fee structure approved by the State Government or such Regulatory Authority as may be notified, and shall ensure full transparency in its admission process.

(3) Any violation of this section shall constitute a serious offence and shall render the University, its Sponsoring Body, management or any person responsible liable to,-

(a) penalty upto **10,00,000 (Rupees ten-lakh)**;

(b) refund of the entire amount collected with such interest as may be prescribed;

(c) suspension or withdrawal of programme approvals, or appointment of an Administrator; and

(d) any other action as the State Government may deem appropriate including initiation of proceedings for omission of name of the University from Schedule.

(4) For the purposes of this section, capitation fee means any amount collected in excess of the fee approved by the State Government, including any donation or payment demanded as a precondition for admission or academic benefit.

(5) The State Government may frame rules for carrying out the provisions of this section, and all Private Universities shall be bound to comply with such rules.

Student Protection Fund and Refund Safeguards

49. (1) Every University shall maintain a Student Protection Fund or escrow account, equivalent to not less than ten (10) percent of its preceding year's tuition revenue, to safeguard the interests of students in cases of winding up, dissolution, de-recognition, programmee withdrawal or suspension, or any disruption of academic continuity.

(2) The Fund shall be used only for-

(a) refund of fees;

(b) relocation or transfer arrangements for affected students;

(c) such other student-centric measures as may be prescribed by the State Government from time to time.

(3) All fee refunds shall be completed within the prescribed period.

Schedule of Examinations

50. At the beginning of each academic session and in any case not later than 30th June of every calendar year, the University shall prepare and publish a semester-wise or annual, as the case may be, schedule of examinations for each and every course conducted by it and shall strictly adhere to such schedule:

Provided that, if for any reason whatsoever, University is unable to follow this schedule, it shall, as soon as practicable, submit a report to the Government giving the detailed reasons for making a departure from the published schedule of examinations. The Government may, thereon, issue such directions, as it may deem fit, for better compliance in future:

Provided further that, if for any reason whatsoever, University is unable to follow this schedule, it shall, as soon as practicable, submit a report to the State Government giving the detailed reasons for making a departure from the published schedule of examinations. The Government may, thereon, issue such directions, as it may deem fit, for better compliance in future.

Declaration of Results

51. (*1*) The University shall strive to declare the results of every examination conducted by it within thirty days from the last date of the examination for a particular course and shall in any case declare the results latest within forty-five days from such date:

Provided that, if for any reason whatsoever, the University is unable to finally declare the results of any examination within the period of forty-five days, it shall submit a report incorporating the detailed reasons for such delay to the Government. The Government may, thereon, issue such directions as it may deem fit for better compliance in future.

(*2*) No examination or results of an examination shall be held invalid only for the reasons that the University has not followed the schedule of examinations as stipulated in section 50 of this Act or that the University has failed to declare the results within the period specified in sub-section (*1*).

Convocation

52. The convocation of the University shall be held in every academic year in the manner as may be prescribed by the Statutes for conferring degrees, diplomas or for any other purposes.

Annual Report

53. The Annual Report of the University shall be prepared by the University which shall include among other matters, the steps taken by the University towards the fulfillment of its objects and shall be submitted to the Regulatory Commission every year.

Audit and Annual Accounts

54. (1) The annual accounts including balance sheet of the University shall be prepared by the University and the annual accounts shall be audited at least once in every year by the auditors appointed by the University for this purpose.

(2) A copy of the annual accounts together with the audit report shall be submitted to the State Government every financial year.

CHAPTER-X

FUNDS OF THE UNIVERSITY

Endowment Fund

55. (1) The Sponsoring Body shall establish an Endowment Fund for the University with an amount of Rs.2,00,00,000/- (two crore), in a Nationalized Bank in Sikkim or the State Bank of Sikkim and which shall be pledged to the Government of Sikkim.

(2) The Endowment Fund shall be used as security deposit to ensure that the University complies with the provisions of this Act and functions as per the provisions of this Act, the Statutes and the Ordinances. The State Government shall have the power to forfeit, a part or whole of the Endowment Fund in case the University or the Sponsoring Body contravenes with any of the provisions of this Act, Statutes, the Ordinances, the Regulations or the Rules made there under.

(3) The University may with the permission of the State Government utilize the interest from the Endowment Fund (Principal Amount) for the development of infrastructure of the University and not to meet the recurring expenditure of the University.

(4) The amount of Endowment Fund may be invested in such instruments as the Government may prescribe and kept invested until the dissolution of the University.

(5) In case of investment in long term security, the certificates of the securities shall be kept in the safe custody of the Government and in case of deposit in the interest-bearing Personal Deposit account in the Government Treasury, deposit shall be made with the condition that the amount shall not be withdrawn without the permission of the Government.

General Fund

56. (1) The University shall establish a fund, which shall be called the General Fund to which the following shall be credited, namely:

(a) fees and other charges received by the University;

(b) any contribution made by the Sponsoring Body;

(c) any income received from consultancy and other work undertaken by the University in pursuance of its objective;

(d) trusts, bequests, donations, endowments and any other grants; and

(e) all other sums received by the University.

(2) The General Fund shall be utilized for the following objects, namely:

(a) for the repayment of debts including interest charges thereto incurred by the University for the purposes of this Act and the Statutes, the Ordinances, the Regulations, and the Rules made there under with the prior approval of the Governing Body;

(b) to upkeep the assets of the University;

(c) for the payment of the fee for audit of the funds created under sections 49 and 56;

(d) to meet with the expenses of any suit or proceedings by or against the University;

(e) for the payment of salaries, allowances, provident fund contributions, gratuity and other benefits to officers, employees, and members of the teaching and research staff;

(f) for the payment of travelling and other allowances of the members of the Governing Body, the Executive Council, the Academic Council, other authorities and the members of any committee appointed by any of the authority or the Chairperson of the Sponsoring Body or the Chancellor;

(g) for the payment of fellowships, free-ships, scholarships, assistantships and other awards to the students belonging to economically weaker sections of the society or research associates, trainees or, as the case may be, in any student otherwise eligible for such awards under the Statutes, the Ordinances, the Regulations or the Rules;

(h) for the payment of any expenses incurred by the University in carrying out the provisions of Act, Statutes, the Ordinances, the Regulations or the Rules;

(i) for the payment of cost of capital, not exceeding the prime lending rate from time to time of the State Bank of India, incurred by the Sponsoring Body for setting up the University and the investments made therefore;

(j) for the payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of this Act, Statutes, the Ordinances, the Regulations or the Rules;

(k) for the payment of any other expenses including service fee payable to any organization charged with the responsibility of providing any specific service, including the managerial services to the University, on behalf of the Sponsoring Body, as approved by the Governing Body to be an expense for the purposes of the University:

Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year, as may be fixed by the Governing Body, without prior approval of the Governing Body.

Maintenance of Fund

57. The funds established under section 49 and section 56 shall, subject to conditions provided by the State Government, be regulated and maintained in such manner as may be prescribed.

CHAPTER-XI

INSPECTION, DISSOLUTION AND WINDING UP OF PRIVATE UNIVERITY

Power of the State Government to Inspect

58. (*1*) The Government may issue directions to the University to carry out or comply with the provisions of this Act and Rules, Statutes or Ordinances made thereunder.

(*2*) The State Government may direct the Regulatory Commission constituted under section 7 to inspect the administration and working of a University, at any time, after giving prior notice if required, of such inspection to ensure proper compliance with the provisions of this Act.

(*3*) The Government may issue directions to the University for time bound compliance or to rectify the deficiencies of lapses pointed out by the Regulatory Commission.

(*4*) For the purposes of ascertaining the standards of teaching, examination and research or any other matter relating to the University, the Government may, after consultation with the Vice-Chancellor, cause an assessment to be made in such manner as may be prescribed by rules, by such person or persons as it may deem fit.

(*5*) The State Government shall communicate to the University its recommendations in regard to the result of such assessment for corrective action and the University shall take such corrective measures as are necessary so as to ensure the compliance of the recommendations.

(*6*) If the University fails to comply with the recommendations made under sub-section (*5*) within a reasonable time, the Government may give such directions as it may deem fit which shall be binding on the University.

Winding up of University

59. (1) If the Sponsoring Body proposes to wind up the University according to the provisions of law, governing its constitution or incorporation; it shall record reasons thereof and give at least 5(five) years prior notice to the State Government.

(2) Notwithstanding, anything contained in the provisions of this Act, where the Sponsoring Body intends to wind up the University, the winding up process there under shall be as follows: -

(a) resolution to be passed by the Sponsoring Body that it intends to wind up and halt operations of the University; and

(b) after the passage of the resolution as described in clause (a), a notice shall thereafter be issued by the Sponsoring Body to the Government 5 (five) years prior to cessation of operations; and

(c) the Sponsoring Body shall halt intake of fresh admissions, upon passage of resolution under clause (a) and issuance of notice under clause (b); and

(d) pursuant to the Sponsoring Body/University completing the syllabus of the last batch of students admitted in the University, the State Government shall thereafter make arrangements as may be necessary, for taking over the administration of the University for the purposes of completing the winding up process:

Provided that, upon taking over of administration from the Sponsoring Body in the manner as provided for under clause (d), the State Government may appoint an administrator in place of the Sponsoring Body, who shall be entrusted with the powers, duties and functions of the Sponsoring Body, as prescribed under the Act.

(3) Subject to the laws prevalent in the State of Sikkim, where upon the winding up of the University, there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall vest upon the Sponsoring Body:

Provided that in the event of winding up of the University there remains any debts or liabilities exceeding the valuation of the movable and immovable properties of the University, the said outstanding debts and liabilities shall vest upon the Sponsoring Body.

Dissolution of the University

60. (1) The Sponsoring Body may dissolve the University by giving a notice to this effect to the Government, the employees and the students of the University at least one year in advance:

Provided that the dissolution of the University shall have effect only after the last batches of students of the regular courses have completed their courses and they have been awarded degrees, diplomas or awards as the case may be.

(2) On the dissolution of the University all the assets and liabilities of the University shall vest in the Sponsoring Body as per the terms and conditions under the State Laws.

Ground for dissolution of University

61. The University shall be dissolved on contravention of any provisions of the Act, Rules, Statutes, and Ordinances; financial mis-management, administrative failure and violation of directives of UGC/State Government or any other statutory bodies.

Special powers of State Government under certain circumstances

62. (1) Where the State Government is of the opinion that the University has contravened any of the provisions of this Act, the Rules, the Statutes or the Ordinances made there under or has violated any of the direction issued by it under this Act or a situation of financial mismanagement or mal-administration

has arisen in the University, it shall issue the notice requiring the University to show cause within 45 (forty-five) days as to why an administrator should not be appointed.

(2) On receipt of reply of the University on the notice issued under sub section (1), if the State Government is satisfied that there is a prima facie case of contravention of any of the provision of this Act, the Rules, the Statutes or the Ordinances made there under or violation of directions issued by it under this Act or there is financial mis-management or mal-administration, it shall make an order of such inquiry as it may consider necessary.

(3) The State Government may, by notification for the purposes of any such inquiry under sub-section (2), direct the Regulatory Commission to inquire into any of the allegations and to make report thereon.

(4) The Regulatory Commission shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any such document or any other material as may be predicable in evidence; court or office.

(5) On receipt of the inquiry report from the Regulatory Commission if the State Government is satisfied that the University has contravened all or any of the provisions of this Act, the Rules, the Statutes or the Ordinances made hereunder or has violated any of the directions issued by it under this Act or a situation of financial mis-management and mal-administration has arisen in the University which threatens the academic standard of the University, it may appoint an administrator.

(6) The administrator appointed under sub-section (5) shall exercise all the powers and perform all the duties of the Governing Body and the Board of Management under this Act and shall administer the affairs of the University until the last batch of the students of the regular courses have completed their courses and they have been awarded with degrees, diplomas or, as the case may be, awards.

(7) After having been awarded the degrees, diplomas or awards, as the case may be, to the last batches of the students of the regular courses, the administrator shall make a report to that effect to the State Government.

(8) On receipt of the report of the Regulatory Commission, the State Government may, by notification dissolve the University and on dissolution of the University, all the assets and liabilities of the University shall vest in the Sponsoring Body.

Taking over of Management by State Government

63 (1) In the event of the taking over of management by the State Government in any of the conditions prescribed under sections 53, 54, 55 and 56 of the Act, the expenditure for administration of the University shall be met out of the Endowment Fund and the General Fund.

(2) If the funds referred in sub-section (1) of the Act are not sufficient to meet the expenditure of the University during the taking over of its management, such expenditure may be met by disposing off the property(s) or asset(s) of the University, by the State Government.

Expenditure of the University During Dissolution

64 (1) The expenditure for the administration of the University during the dissolution period shall be borne out of its Endowment Fund, Management Fund, the General Fund or the Development Fund.

(2) If funds referred to in sub-section (1) are not sufficient to meet the expenditure of the University during dissolution of its management; such expenditure may be met by disposing of the properties or assets of the University by the Sponsoring Body and the State Government.

De-recognition of the University

65 (1) Where the State Government receives a complaint through the Regulatory Commission that the University is not functioning in accordance with the provision of this Act or rules, it shall require the University to show cause within such time, which shall not be less than two months, as to why the University should not be de-recognized.

(2) If upon receipt of the reply of the University to the notice given under sub-section (1) the State Government is satisfied that a *prima-facie* case of mismanagement or violation of the provision of this Act in the functioning of the University is made out, it shall order such enquiry as it deems necessary.

(3) For the purpose of an inquiry under sub-section (2) that State Government shall by notification, direct the Regulatory Commission to inquire into an allegation of violation of the provision of this Act.

(4) Every inquiring authority appointed under sub-section (3) while performing its functions under this Act shall have all the powers of a Civil Court trying a suit and particularly, in respect of the following matters, namely: -

(a) summoning and enforcing the attendance of any witness and examining him on oath;

(b) requiring the discovery and production of any documents;

(c) requisitioning any public record or copy thereof from any office;

(d) receiving evidence on affidavits; and

(e) any other matters which may be prescribed.

(5) If upon receipt of the inquiry report, the State Government is satisfied that the University has violated any provision of this Act, it shall direct the University to make necessary improvement and suggest for proper implementation of the provision of this Act.

(6) If it is observed that the University is violating any provision of the Act continuously for three times the State Government may by notification take over its management duly informing the University Grants Commission.

(7) During the period of the management of the University, the State Government may utilize the permanent Endowment Fund, the General Funds or any other fund for the purpose of the Management of the affairs of the University. If the funds of the University are not sufficient to meet the requisite expenditure of the University, the State Government may dispose of the assets or the properties of the University to meet the said expenses.

Discipline

66. (1) The University shall maintain strict discipline as per all relevant University Grants Commission (UGC) norms applicable from time to time.

(2) Such discipline shall be strictly enforced amongst the Teaching Faculty, Non-Teaching Faculty and all the Students enrolled in the University at all times as discipline is one of the most important pillars of quality education.

(3) The University shall enable due inspection periodically by the State Government to ensure compliance to all relevant University Grants Commission (UGC) norms, guidelines, and due adherence to local etiquettes and traditional values to ensure suitable adaption of the University to the local population with primary focus on high standards of education.

(4) The final authority responsible for the maintenance of discipline among the students of the University shall be the Vice-Chancellor. His directions in this regard shall be carried out by the Heads of the Department of the University, Hostel and Institutions.

(5) Any punishment of debarring a student from the examination or rustication, expulsion, suspension or restriction from the University or hostel institution shall, on the report of the Vice-Chancellor, be considered and imposed by the Board of Management:

Provided that no such punishment shall be taken without giving student concerned a reasonable opportunity for show cause against proposed action to be taken.

Punishment

67. Any contravention of any of the provisions of this Act shall be an offence and the University as well as officers of the University under section 14 shall be liable for fine of not less than rupees fifty thousand which may extend to rupees five lakhs:

Provided that, nothing in this section shall be construed as preventing the Government from initiating any action, whether civil or criminal, for non-compliance of the provisions of this Act including proceedings for liquidation of the University.

Offences by Companies

68. (1) Where an offence under this Act, or the rules made thereunder, is committed by a company, every person who at the time when the offence was committed, was in-charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act or the rules made thereunder, has been committed by a company with the consent or connivance of, or is attributable to or on the part of, any Director, Manager, Secretary or other officer or servant of the Company, such Director, Manager, Secretary or other officer or servant concerned shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section,-

(a) "Company" means a body corporate and includes a trust, a firm, a society and institution or other association of individuals; and

(b) "Director" in relation to,-

(i) a firm means a partner in the firm;

(ii) a society, a trust, an institution or other association of persons, or body of individuals, means the person who is interested under the rules or bye-laws of the society, trust, institution, or other association or body with the management of the affairs of the society, trust, institution or other association or body, as the case may be.

Power to make Rules

69. (1) The State Government may, by notification published in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Sikkim Legislative Assembly and notify their decision to that effect in the *Official Gazette*, the rule shall from the date of publication of such decision in the *Official Gazette*, have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Transitory Provisions

70. If the process for establishing self-financed private University as per the existing Government orders or resolutions is completed at a particular stage on or before the date of commencement of this Act then, after commencement of this Act, such process shall be continued from that stage onwards as per the provisions of this Act.

Repeal and Savings

71. (*1*) On and from the date of commencement of this Act, —

(*a*) Sikkim Manipal University of Health, Medical and Technological Sciences Act, 1995 (Act No. 09 of 1995);

(b) Institute of Chartered Financial Analysts of India University, Sikkim Act, 2004 (Act No. 09 of 2004);

(c) Shri Ramasamy Memorial University, Sikkim Act, 2013 (Act No. 13 of 2013);

(d) Sikkim Professional University Act, 2020 (Act No. 09 of 2020);

(e) Khangchendzonga Buddhist University, Sikkim Act, 2020 (Act No. 15 of 2020);

(f) Medhavi Skills University, Sikkim Act, 2021 (Act No. 12 of 2021);

(g) The Sikkim International University Act, 2021 (Act No. 13 of 2021);

(h) Sikkim Alpine University (Act No.14 of 2021);

(i) Sikkim Skill University Act, 2021 (Act No. 17 of 2021);

(j) Capital University Act (Act No. 10 of 2022);

(k) Mahatma Gandhi University, Sikkim Act, 2022 (Act No. 21 of 2022);

(l) Sikkim Global Technical UniversityAct, 2023 (Act No. 09 of 2023);

(m) Sikkim Organic Agriculture University Act, 2023 (Act No. 10 of 2023;

(n) Duke International University Act, 2024 (Act No. 05 of 2024);

(o) Matrix SkillTech University, Sikkim Act, 2024 (Act No. 07 of 2024);

(p) Sikkim Pannadhay University Act, 2024 (Act No. 15 of 2024);

(q) Trident University of Applied Sciences Act, 2025 (Act No. 03 of 2025);

(r) Sikkim Sardar Patel University Act, 2023 (Act No. 14 of 2023);

(s) Nirmala Devi University Act, 2024 (Act No. 16 of 2024);

(t) Management & Information Technology University, Sikkim Act, 2024 (Act No. 11 of 2024);

(u) Sikkim Medical Science University Act, 2024 (Act No. 02 of 2024);

(v) Sengol International University Act, 2025 (Act No. 14 of 2025);

(w) Fusion University Act, 2025 (Act No. 15 of 2025);

(x) Sri Venkateshwara University Act, 2025 (Act No. 04 of 2025);

(y) Shri Rukmani Dwarkadhish University of Science and Technology Act, 2024 (Act No. 12 of 2024);

(z) Atal Bihari Vajpayee Skill University, Sikkim Act, 2025 (Act No. 13 of 2025);

(aa) Gurukul Vidyapeeth University Act, 2024 (Act No. 03 of 2024);

(bb) Orchid University Act, 2024 (Act No. 06 of 2024); shall stand repealed.

(*2*) Notwithstanding the repeal of the said Acts, —

(*i*) any person holding office immediately before the commencement of this Act as Vice-Chancellor of an existing University shall, on such commencement, be the Vice-Chancellor of the corresponding University and shall continue to hold the said office till his term of office as Vice-Chancellor of the existing University would have expired had he continued to be as such unless he ceases to be the Vice-Chancellor by reason of death, resignation or otherwise before the expiry of his term of office as aforesaid and shall exercise all the powers and

perform all the duties conferred and imposed on the Vice-Chancellor of the corresponding University by or under this Act;

(*ii*) every authority of an existing University constituted immediately before the commencement of this Act, shall be deemed to be the corresponding authority of the corresponding University under this Act;

(*iii*) every person holding office either as an officer or the employee (whether teaching or other employee) of an existing University on the date immediately before the commencement of this Act shall continue to hold office on the same terms and conditions as were applicable to him immediately before such date, and shall exercise such powers and perform such duties as are conferred on them by or under this Act;

(*iv*) all property, movable or immovable, and all rights, interest of whatsoever kind, powers and privileges of any existing University shall stand transferred to and shall, without further assurance, vest in, the corresponding University and be applied to the objects and purposes for which the corresponding University is constituted;

(*v*) all benefactions accepted or received by any existing University and held by it immediately before the commencement of this Act, shall be deemed to have been accepted or received or held by the corresponding University under this Act, and all the conditions on which such benefactions were accepted or received or held shall be deemed to be valid under this Act, notwithstanding that such conditions may be inconsistent with any of the provisions of this Act;

(*vi*) all debts, liabilities and obligations incurred before the commencement of this Act, and lawfully subsisting against any existing University, shall be discharged and satisfied by the corresponding University;

(*vii*) any will, deed or other documents made before the commencement of this Act, which contains any bequest, gift, term or trust in favour of an existing University shall, on and from the commencement of this Act, be construed as if the corresponding University is named therein instead of the existing University;

(*viii*) all references in any enactment or other instruments issued under any enactment, to any existing University shall be construed as references to the corresponding University;

(*ix*) the teachers, who were recognised teachers of the University under the said Acts in respect of any of the

existing University immediately before the commencement of this Act, shall be deemed to be recognised teachers of the corresponding University under and for the purposes of this Act and shall continue to be such recognised teachers until fresh recognitions are granted under this Act;

(*x*) all Rules, Statutes, Ordinances or Regulations made under the said Acts in respect of any existing University shall, in so far as they are not inconsistent with the provisions of this Act, continue in force and be deemed to have been made under this Act in respect of the corresponding University or any authority of the University, as the case may be, until they are superseded or modified by the Rules, Statutes, Ordinances or Regulations made under this Act;

(*xi*) all notices and orders made or issued by any authority under any of the said Acts shall, in so far as they are not inconsistent with the provisions of this Act, continue in force and be deemed to have been made or issued by corresponding authority until they are superseded or modified under this Act:

Provided that, no Rules, Statutes, Ordinances, Regulations, notices or orders made or issued under any of the Acts repealed by this section and in force immediately before the commencement of this Act, shall be deemed to be inconsistent with the provisions of this Act by reason only that the power to make or issue such Rules, Statutes, Ordinance, Regulations, notice or order under this Act vests in a different authority or body or officer, or that the subject matter thereof is permissible only under a different form of subordinate legislation or instrument to be made, under this Act.

Power to Remove Difficulties

72. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under sub-section (*1*), shall, as soon as may be after it is made, be laid before each the Sikkim Legislative Assembly.

SCHEDULE

(PART I)

(EXISTING UNIVERSITIES)

See section 6 (4)

Sl. No.	*Name of Existing University.*	*Name, location, constituency and headquarters of corresponding university under this Act.*	*Name and Address of Sponsoring Body.*
(1)	*(2)*	*(3)*	*(4)*
1.	Sikkim Manipal University of Health, Medical and Technological Sciences Act, 1995 (Act No. 09 of 1995)	Sikkim Manipal University of Health, Medical and Technological Sciences Tadong, Gangtok District Sikkim 737101	Manipal Education & Medical Group
2.	Institute of Chartered Financial Analysts of India University, Sikkim Act, 2004 (Act No. 09 of 2004)	Institute of Chartered Financial Analysts of India University, Sichey, Gangtok District, Sikkim 737101	Institute of Chartered Financial Analysts of India, 19 Road No. 3, Banjara Hills, Hydrabad-500034
3.	The Shri Ramasamy Memorial University, Sikkim Act, 2013 (Act No. 13 of 2013)	The Shri Ramasamy Memorial University, Tadong Gangtok District, Sikkim 737101	SRM Trust, Tamil Nadu, Chennai No. 3 Veeraswamy street West Manbalan Chennai 60033 Tamil Nadu
4.	Sikkim Professional University *(former Vinayaka Missions Sikkim University) (original University established in Jun-2008),* The *Vinayaka Missions Sikkim University (Amendment) Act, 2020 (Act No. 09 of 2020)*	Sikkim Professional University, Tadong Gangtok District, Sikkim 737101	Jeen Universal Foundation, New Delhi 110001
5.	Khangchendzonga Buddhist University, Sikkim Act, 2020 (Act No. 15 of 2020)	Khangchendzonga Buddhist University, Pangthang, Constituency: 29 Kabi Lungchok	Denzong Charities, Pangthang, Sikkim 737103
6.	Medhavi Skills University Sikkim Act, 2021 (Act No. 12 of 2021)	Medhavi Skills University, Bermiok Constituency: 3, Maneybung-Dentam	Medhavi Foundation IA-208, IA Block, Sector 3, Bidhannagar Kolkata 700097

7.	The Sikkim International University Act, 2021 (Act No. 13 of 2021)	The Sikkim International University, Sribadam, Constituency: 5 Rinchenpong	Research and Gyan for Noble upliftment Trust
8.	Sikkim Alpine University *(former Eastern Institute for Integrated Learning in Management University, Sikkim) (originally University established in Mar-2006) The Eastern Institute for Integrated Learning in Management University, Sikkim (Amendment) Act, 2021 (Act No. 14 of 2021)*	Sikkim Alpine University, Namchi, Constituency: 11. Namchi-Singhithang	AMOGH Advanced Education And Research Foundation, A127, Vikash Khar Kakrola, Dwarka, South West Delhi, India-110045
9.	Sikkim Skill University Act, 2021 (Act. No. 17 of 2021)	Sikkim Skill University Namthang, Constituency : 13. Namthang – Rateypani.	KVN Skill Foundation, H- 779, Shakurpur, New Delhi
10.	The Capital University (Amendment) Act, 2025 (Act No. 12 of 2025)	The Capital University Zoom, Constituency : 8. Salfhari – Zoom.	Ch. Charan Singh Educational Foundation Unit No 981 Millennium tower 2 Netaji Subash Place, Pitampura New Delhi
11.	The Mahatma Gandhi University, Sikkim Act, 2022 (Act. No. 21 of 2022)	The Mahatma Gandhi University Sikkim	Councile of Allied Sciences of India Unit No 981 Agarwal Millennium tower 2 Betaji palace Pitampura New Delhi
12.	The Sikkim Global Technical University Act, 2023 (Act. No. 09 of 2023)	The Sikkim Global Technical University, Rong, Constituency : 11. Namchi-Singhithang.	Indhira Gandhi Computer Saksharta Mission, IGCSM Bhawan, 36 B/1, 2nd Floor, Govindpuri, Kalkaji, New Delhi 1100019
13.	The Sikkim Organic Agriculture University Act, 2023 (Act. No. 10 of 2023)	The Sikkim Organic Agriculture University Mendo Goan, Constituency : 7. Soreng-Chakung.	Vocational & Skill Educational Development Council, Unit No 981 Agarwal Millennium tower 2 Betaji Palace Pitampura New Delhi.

14.	Duke International University Act, 2024 (Act No. 05 of 2024)	Duke International University, Kitam, Constituency : 12 Melli	Navya Smile Foundation, Unit no 006,1st Floor, Ansal Plaza, Vaishali, Ghaziabad, Uttar Pradesh - 201010
15.	Matrix SkillTech University, Sikkim Act, 2024 (Act No. 07 of 2024)	Matrix SkillTech University, Constituency : 4 - Gyalshing - Barmiok	Mumukshu Charitable Organisation, Unit No 23, UG Floor, Ansal Plaza, Vaisali, Gaziabad, Uttar Pradesh 201010
16.	The Sikkim Pannadhay University Act, 2024 (Act No. 15 of 2024)	The Sikkim Pannadhay University, Ghumauney, Birding, Constituency : 8. Salghari-Zoom.	Shree Balaji Trust, Flat no. 201 Parath Residency 5 plot no 38 A, Sumer Nagar, Ext. Q Block, Mansoravar, Jaipur, 302020 Rajasthan
17.	Trident University of Applied Sciences Sikkim Act, 2025 (Act No. 03 of 2025)	Trident University of Applied Sciences Sikkim, Dentam, Constituency : 3. Maneybung-Dentam.	Ghanashayam Bohra Charitable Trust, E-562, Lal Kothi Scheme Near Vidhan Sabha, Jaipur, Rajasthan - 302015
18.	The Sikkim Sardar Patel University Act, 2023 (Act No. 14 of 2023")	The Sikkim Sardar Patel University, Mikhola, Namchi, Constituency : 11. Namchi-Singhithang.	Success Education Guidance Trust, Hall No. 3 Red Cross Market, Jind Haryana.126102
19.	Nirmala Devi University Act, 2024 (Act No. 16 of 2024)	Nirmala Devi University, Singtam, Constituency :17 Khamdong-Singtam.	Nirmala Devi Foundation Trust, Shanti Nagar, Singtam, Sikkim, 737134
20.	The Management & Information Technology University, Sikkim Act, 2024 (Act No. 11 of 2024)	The Management & Information Technology University, Sikkim, Melli Constituency: 12. Melli	IMTS Foundation G38 sector 3 Noida, Gautam Buddha Nagar 201301 Uttar Pradesh

21.	The Sikkim Medical Science University Act, 2024 (Act No. 02 of 2024)	The Sikkim Medical Science University, Namchi, Constituency: 11. Namchi-Singhithang.	Dream Educational Charitable Trust, Street No. 2/B, Ajit Road, Bhatinda Punjab - 151001
22.	Sengol International University Act, 2024 (Act No. 14 of 2025)	Sengol International University, Lingmo, Constituency : 15. Rangang-Yangang	Late Smt. Lal Muni Devi Jan Kalayan Mahasamiti, Karailabagh, Prayagraj (Allahabad), Uttar Pradesh 211016
23.	Fusion University Act, 2025 (Act No. 15 of 2025)	Fusion University, Chumbung, Constituency: 7. Soreng-Chakung.	Help someone Foundation, Delhi Unit no 23 UG Floor Ansal Plaza Vaishali Ghaziabad Uttar Pradesh 201010
24.	Sri Venkateshwara University Act, 2025 (Act No. 04 of 2025)	Sri Venkateshwara University, Machong Constituency: 19 Rhenock	Varda Education Vikas Trust, Hall No. 03, Red Cross Market, Gohana
25.	Shri Rukmani Dwarkadhish University of Science & Technology Act, 2024 (Act No. 12 of 2024)	Shri Rukmani Dwarkadhish University, Chumbung, Constituency: 7. Soreng-Chakung.	Manudiaz Foundation, 24-00812, 1st Floor Street No. 8-A, Pukraj Colony, Bhatti Road, Bhatinda, Punjab-151001
26.	The Atal Bihari Vajpayee Skill University Sikkim Act, 2025 (Act No. 13 of 2025)	The Atal Bihari Vajpayee Skill University Sikkim, Lower Sumin, Constituency: 22. Namcheybung.	Skill Initiatives and Assessment Council 105/25, 1st Floor Khara Kalan, Landmark Behind Oriental Bank, North West Delhi 110082.

27.	Gurukul Vidyapeeth University Act, 2024 (Act No. 03 of 2024)	Gurukul Vidyapeeth University, Namchi, Contituency:11. Namchi-Singhithang.	Council of software Enginners Plot No 12 Sector A9 Champton GYM 1st floor nearby Raja Harish Chandra Road Narela New Delhi 110040
28.	Orchid University Act, 2024 (Act No. 06 of 2024)	Orchid University, Magan Constituency 31-Lachen Magan	Peace of Dream Foundation Elegance Tower Old Mathura Road 2nd Floor Elegance Bulding, Josala Delhi 110025

SCHEDULE

(PART II)

(NEW UNIVERSITIES)

See section 6 (1)

Sl. No.	Name of University.	Name, location, constituency and headquarters of corresponding university under this Act.	Name and Address of Sponsoring Body.
(1)	(2)	(3)	(4)

SURAJ CHETTRI (SSJS)
L.R.-cum-SECRETARY
LAW & PARLIAMENTARY AFFAIRS DEPARTMENT